THE HIGH COURT OF UTTARANCHAL AT NAINTIAL

Writ Petition (M/S) No.1319 of 2006.

1. Virendra Kumar
2. Chandra Prakash, both sons of Late Suder Lal Sethi, R/O 24 E.C. Road, Dehradun.
3. Smt. Savita Babbar D/O Late Sunder Lal Sethi, W/O Shri Rajan Babbar, R/O 5 Nishat Ganj, Lucknow.

…….. **Petitioners.**

Vs.

1. Civil Judge (S.D.)/ Prescribed Authority, Dehradun.
2. Shri Mohan Lal S/O Late Gurmukh Das, R/O Karanpur, Dehradun.

……. **Respondents.**

Mr. Deepak Sharma, holding brief of Smt. Meenu Sharma, learned counsel for the petitioners.
Sri R.C. Arya, learned Standing Counsel for the State-respondents.

Date September 11, 2006

P.C.: Hon'ble B.S. Verma, J.

(Stay Application No. 11585 of 2006)

Heard learned counsel for the parties and perused the record.

By means of this writ petition, the petitioner has sought a writ, order or direction of this Court to the respondent no.1 to expedite decision of the P.A. Case No.26 of 2005, Smt. Radha Sethi Vs. Mohan Lal, pending in his court within a time bound period with the allegations that the petitioners are the landlord of the property in dispute and on a portion of the said property, the respondent no.2 Mohan Lal is a tenant. The father of the petitioners died in the year 1988 and after him, the mother of the petitioners Radha Sethi became the owner and after her death, the right of ownership came in favour of the petitioners. Radha Sethi moved an application for release of the accommodation under Section 21(1)(a) of other U.P. Act No. XIII of 1972, which was registered as P.A. Case No.26 of 2005 Ratha Sethi Vs. Mohan Lal. Since the respondent no.2 Mohan Lal is adopting

delay tactics to prolong the litigation, hence the writ petition has been preferred.

In the facts and circumstances of the case, the ends of justice will be served if the respondent no. 1 is directed to decide the case within time schedule.

Accordingly, the respondent no.1 is directed to decide the Rent Case No.26 of 2005 Radha Sethi Vs. Mohan Lal pending in his court preferably within a period of nine month form the date of production of certified copy of the order.

With the above directions, the writ petition is disposed of finally.

RCP **(B. S. Verma, J.)**